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09/923,707	08/06/2001	James Phillip Slupe	HP10013721-1	1568

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HEWLETT-PACKARD COMPANY  
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Fort Collins, CO 80527-2400

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,707

Applicant(s)

SLUPE, JAMES PHILLIP

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: regarding claim 1, the word 'couple' used in page 17, line 7 of the claim appears to be the word 'coupled'. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "couple to said input" is indefinite because it is unclear whether the controller is coupled to said input or one of plurality of radio station identities is coupled to said input.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-6, 11-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent No. 6,748,237).

Regarding claim 1, Bates teaches a primary tuner 18 (i.e., radio receiver) having an input for receiving radio station identities (fig.6, block 166) for specifying radio stations for reception and an output indicating a presently received signal strength (fig.1, 6, 7; col.4, lines 9-23, 56-65, col.7, lines 61-67, col.8, lines 1-13, 37-51). (Note; tuner receives packets and packets contain the station identification, therefore, it is clear that the tuner receives station identification)

Bates further teaches a memory having stored therein a plurality of radio station identities organized according to program content specifiers (fig.1; col.3, lines 15-24, 34-36, 56-62, col.4, lines 56-67, col.5, lines 1-6, 11-23, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

Bates further teaches a controller coupled to the output and operable to recall, and couple to the input, one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station when the presently received signal strength meets a threshold (fig.1, 4-7; col.4, lines 9-23, col.6, lines 29-41, 51-67, col.7, lines 20-45, 61-67, col.8, lines 1-13, 37-51).

Regarding claims 2, 12 and 14, Bates teaches that the plurality of station identities and the program content specifiers are manually programmed into the memory through a user interface on the apparatus (fig.1, 5; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13). (Note; the ordered list is inherent)

Regarding claims 4 and 16, Bates teaches that the plurality of station identities and the program content specifiers are programmed into the memory through a subscription service (fig.1, 5; col.4, lines 9-14, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claims 5 and 17, Bates teaches that the plurality of station identities and the program content specifiers are programmed into the memory with packets (i.e., data) received by the radio receiver (fig.1, 5; col.4, lines 9-14, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claims 6 and 18, Bates teaches that the controller is operable to sequentially scan the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input each subsequent time the presently received signal strength meets said threshold (fig.1, 5-7; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claim 11, Bates teaches that the memory has stored therein an ordered list of program content specifiers, and wherein the controller is operable to sequence through the ordered list to define a replacement present program content specifier when the controller is unable to locate and recall one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station (fig.1, 5; col.4, lines 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13). (Note; the ordered list is inherent)

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bates teaches monitoring the signal strength of a present radio station signal (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches determining that the signal strength has met a threshold (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches selecting a radio station identity from the memory that has the same program content specifier as the present radio station (fig.1; col.3, lines 15-24, 34-36, 56-62, col.4, lines 56-67, col.5, lines 1-6, 11-23, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

Bates further teaches tuning the primary tuner 18 (i.e., radio receiver) according to the selected radio station identity (fig.1, 6, 7; col.4, lines 9-23, col.7, lines 20-35, col.8, lines 5-13, 21-51).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,748,237) and in view of Bickford et al. (U.S. Patent No. 6,021,320).

Regarding claims 3 and 15, Bates fails to teach "said plurality of station identities and said program content specifiers are programmed into said memory by the supplier of the apparatus". Bickford teaches that the plurality of station identities and the program

content specifiers are programmed into the memory by the supplier of the apparatus (col.2, lines 28-31, col.13, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates to allow the plurality of station identities and the program content specifiers being programmed into the memory by the supplier of the apparatus as taught by Bickford. The motivation for the modification is to have doing so in order to create a signal category if the signal category does not preexist.

Regarding claim 7, Bates does not specifically teach "said the memory has stored therein a plurality of location coordinates associated with said plurality of radio station identifiers". Bickford teaches that the memory has stored therein a plurality of location (i.e., location coordinates) associated with the plurality of radio station identifiers (fig.7; col.8, lines 4-21, col.13, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates to allow the memory stored therein a plurality of location coordinates associated with the plurality of radio station identifiers as taught by Bickford. The motivation for the modification is to have doing so in order to find out the available programs corresponding to a particular location.

Regarding claim 8 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Bates teaches that the controller is operable to scan the plurality of radio station identifiers in the memory ordered according to the program content specifiers (fig.1, 5; col.4, lines 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-51).

8. Claim 9, 10 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,748,237) and in view of Bickford et al. (U.S. Patent No. 6,021,320) and further in view of Dennison et al. (U.S. Patent No. 5,815,814).

Regarding claims 9 and 20, Bates in view of Bickford does not specifically teach "a global positioning system receiver coupled to said controller for providing present location coordinates of the apparatus". Dennison teaches a global positioning system receiver coupled to the logic circuitry (i.e., controller) for providing present location coordinates of the apparatus (abstract; fig.6; col.5, lines 54-62, col.6, lines 37-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates in view of Bickford to incorporate a global positioning system receiver coupled to the controller for providing present location coordinates of the apparatus as taught by Dennison. The motivation for the modification is to have doing so in order to determine the precise location of a mobile unit.

Regarding claims 10 and 21 are rejected for the same reasons as discussed above with respect to claims 7 and 9. Furthermore, Bates teaches that the controller is operable to search the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input according to the program content specifier of the presently received signal (fig.1, 5-7; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claim 19 is rejected for the same reasons as discussed above with respect to claims 7 and 9.

Regarding claim 22 is rejected for the same reasons as discussed above with respect to claim 11.



Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 12.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD SHAFIUL ALAM ELAHEE  
September 4, 2004

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